

REMARKS

Claims 1-24 are pending in the instant application. Claims 1, 10, and 19 are independent claims, and claims 2-9, 11-18, and 20-24 depend, respectively, from independent claims 1, 10, and 19. Applicants request reconsideration of the claims in view of the following remarks.

The Office rejected claims 1-24 under 103(a) in light of Szlam, USP 6,868,395. In support of its rejection, the Office simply states that Szlam “discloses an online computer system that may automatically use a credit report, e.g. Fig 1, for identifying a product that a buyer is interested in and using a web server, e.g. 220, to achieve such ends.” The Office then concedes that Szlam does not specifically disclose browser software, but takes Official Notice that using browser software has been common knowledge in the art. This rejection, however, is faulty for at least two reasons.

First, in the event that the Office relies upon a prior art reference to reject pending claims, the Code of Federal Regulations requires that the Office identify “the particular part [of the cited reference] relied upon . . . as nearly as practicable.” *See* 37 CFR 1.104(c)(2) (2004). Clearly the Office’s single sentence regarding the Szlam reference does not provide any particular insight as to where the reference discloses each of the claim elements, as required by the MPEP. For example, the Office has failed to identify (or even suggest) where at least the following elements are disclosed in Szlam:

- product information regarding a plurality of products being offered for sale online;
- financing parameter information regarding at least one financing vehicle;
- the financing parameter information and at least a portion of the personal information being used to automatically identify at least one of the plurality of products for which the buyer is at least likely to be approved to purchase using the at least one financing vehicle.

As such, in the event that the office intends to maintain this objection, Applicants request that the Office identify, for each rejected claim, the particular portions of the Szlam reference that form the basis of this rejection, as is required by the Regulations.

Regardless of the Office's failure to particularly identify the relevant portions of the Szlam reference, Applicants assert that the claims are not obvious in light of the Szlam reference because the Szlam reference fails to teach (or even suggest) the claimed invention. Unlike the claimed invention, the Szlam reference deals with a method for allowing a buyer to negotiate and select payment terms of a specific product that he or she intends to buy. (*See, e.g.* "Thus, the person . . . can input desired payment terms into the program, and the program will determine whether the terms desired by the person are within the limits established by the seller or creditor," col. 2, lns. 62-66.; "The present invention provides for sending an electronic packet to the person so that the person can, in the privacy of home, consider and define payment or repayment terms," col. 3, lns. 7-9; "The present invention thus provides for the purchaser or debtor to review and select payment or repayment terms within the limits established by the seller or creditor," col. 3, lns. 20-22; "Thus, the present invention allows the purchaser or debtor to select and agree to payment or repayment terms which are acceptable to both that person and to the seller or creditor," col. 3, lns. 33-35; *see also*, Fig. 3, which identified specific terms to be selected, including initial payment amount, number of payments and interest rate.)

Because it is limited to selecting purchase terms for a product already identified for purchase, the Szlam reference does not disclose "an online affordability-based purchasing system" comprising, among other things, "product information regarding a plurality of products being offered for sale online" or using "at least a portion of the personal information being used to automatically identify at least one of the plurality of products for which the buyer is at least likely to be approved to purchase using the at least one financing vehicle," as is required by independent claim 1. Szlam also does not disclose or suggest "a software engine that automatically identifies, using at least a portion of the personal information and the financing parameter information, at least one of a plurality of products sold online for which the buyer is at least likely to be approved to purchase using the at least one financing vehicle," or "automatically identifying, by a software engine using at least a portion of the personal information and the financing information, at least one of a plurality of products for which the buyer is at least likely to be approved to purchase using the at least one financing vehicle," as required by the remaining independent claims. Thus, for this reason alone, claims 1-24 are patentable over the Szlam reference.

Moreover, the Office's rejection states that that the Szlam reference "may automatically use a credit report." (Office Action at p. 2.) While the Szlam reference contemplates using a credit report to set term limits, the Szlam reference never discloses or suggest that such use is "automatic." ("However, tentative approval may also be given, awaiting final approval by an agent or supervisor after a review of the customer's information to verify that nothing changed in the customer's credit or payment history or status has changed which would make the original limits unacceptable," col. 6, lns. 42-47; "The customer's credit history and report may be also given a final review 255 by a human operator before approval is granted," col. 8, lns. 33-35.) Thus, for this reason as well, the Szlam reference does not disclose or suggest the independent claim elements identified above.

Based on at least the foregoing, the Applicants believe that claims 1-24 are in condition for allowance. Given the state of the prosecution, if the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner telephone the undersigned at (312) 775-8000 prior to issuing any further action.

A Notice of Allowance is courteously solicited.

Respectfully submitted,

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